

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION**

JOYCE TIBBS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.:
	)	JUDGE
TARGET CORPORATION,	)	
	)	
Defendant.	)	

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**NOTICE OF REMOVAL OF CIVIL ACTION**

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Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Target Corporation ("Target") files this Notice of Removal of Civil Action on the grounds of diversity of citizenship of the parties. In support of this Notice, Defendant would show the Court as follows:

1. On May 30, 2019, Plaintiff, Joyce Tibbs, commenced an action against Defendant, Target Corporation, in the Circuit Court of Williamson County, Tennessee, in the case styled *Joyce Tibbs v. Target Corporation*, Docket Number 2019-288. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendant Target in this matter are attached hereto as Collective **Exhibit 1**.

2. Collective **Exhibit 1** attached hereto includes the only documents filed in this case. No further proceedings have been filed in the action pending in the Circuit Court of Williamson County, Tennessee.

3. Defendant Target was served with the Summons and Complaint on or about June 3, 2019. See **Exhibit 1**. See **id.**

4. The Plaintiff seeks damages for personal injuries which Plaintiff alleges was caused by the negligence of the Defendant. There ad damnum set forth in the Plaintiff's Complaint seeks an amount "in excess of \$25,000.00" in damages. Counsel for the parties have discussed the claimed damages of the Plaintiff. Counsel for the Plaintiff has asserted the Plaintiff suffered injuries to her right shoulder, left elbow and right knee with a diagnosed meniscus tear in the right knee. Future medical treatment is being considered including possible surgery. Counsel for the Defendant requested Plaintiff to stipulate that the claimed damages be capped at no more than \$75,000.00 prior to filing the Notice of Removal. Counsel for the Plaintiff could not agree to such a stipulation with the understanding that the Defendant would file a Notice of Removal without such a stipulation.

5. Under 28 U.S.C. § 1441(a), actions over which the district courts of the United States have original jurisdiction are proper for removal. This Court has original jurisdiction over this case under 28 U.S.C. § 1332(a)(1). This action is removable to this Court because this is a civil action, the Plaintiff and the Defendant are citizens of different states within the meaning of 28 U.S.C. § 1332, and the amount in controversy exceeds Seventy-Five Thousand Dollars and 00/100 (\$75,000.00), exclusive of interest and costs. The Plaintiff is a citizen resident of Tennessee. The Defendant, Target Corporation, is a Minnesota Corporation with its principal offices located in Minnesota.

6. Based upon the foregoing, this Court has original jurisdiction over the above entitled action pursuant to 28 U.S.C. § 1332. Because the Plaintiff and the Defendant are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, removal of this action is proper pursuant to 28 U.S.C. § 1441(a) under the procedures set forth in 28 U.S.C. § 1446.

7. This Notice of Removal is filed with the Clerk of the United States District Court for the Middle District of Tennessee, Nashville Division, within thirty (30) days, as computed by Fed. R. Civ. P. 6(a), of service of process upon Defendant, Target Corporation.

8. A copy of this Notice of Removal and Collective **Exhibit 1** attached hereto has been filed with the Circuit Court Clerk for the Circuit Court of Williamson County, Tennessee. Further, a notice of this filing along with a copy of this Notice of Removal and Collective **Exhibit 1** has been served on the Plaintiff by and through their counsel.

WHEREFORE, based upon the foregoing, Defendant, Target Corporation, hereby serves notice that the above-captioned action pending against Defendant in the Circuit Court of Williamson County, Tennessee has been removed therefrom to this Court.

Respectfully submitted,

**LAW OFFICE OF THOMAS W. TUCKER III**

By: s/Thomas W. Tucker III  
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### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been electronically forwarded to Mr. Burke Keaty ([bkeaty@forthepeople.com](mailto:bkeaty@forthepeople.com)), MORGAN & MORGAN, 810 Broadway, Suite 105, Nashville, Tennessee 37219, on this 2<sup>nd</sup> day of July, 2019.

s/Thomas W. Tucker III  
THOMAS W. TUCKER III